

Report To:	CABINET	Date:	10TH SEPTEMBER 2018
Heading:	TENANCY STRATEGY AND TENANCY POLICY		
Portfolio Holder:	COUNCILLOR JOHN WILMOTT – CABINET MEMBER (OUTWARD FOCUS)		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

To seek approval of the Strategic Tenancy Strategy and Tenancy Policy

Recommendation(s)

- **To approve the Tenancy Strategy and Tenancy Policy**
- **To approve the development of a tenant friendly version of the Tenancy Policy produced in association with the Council's tenant groups**

Reasons for Recommendation(s)

The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy. These strategies set out the matters to which registered social providers are to have regard in formulating their policies on tenancies in terms of:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant tenancies for a certain term, the length of the terms, and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

The Regulator for Social Housing's Tenancy Standard requires that registered providers of social housing publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.

The Tenancy Strategy and Tenancy Policy fulfil the above legal and regulatory requirements. The first Ashfield Tenancy Strategy was published in 2012 and it is recommended that this is reviewed every 5 years. A Tenancy Policy was published by Ashfield Homes in 2014 and this has been updated to reflect that the Council stock is no longer managed by an ALMO.

Alternative Options Considered

(with reasons why not adopted)

Not preparing and publishing a Tenancy Strategy and Tenancy Policy – this was not considered as it is a legal and regulatory requirement to publish these documents.

Detailed Information

Please see the strategy and policy for full details

Tenancy Strategy

The Council has a responsibility to provide a strategic lead on the use of social tenure and to ensure that the way social housing is let supports the authority's vision for the local area.

The Council's housing vision is:

“to ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents”

As such, the aims of this strategy are:

- To ensure that social housing providers operating in Ashfield offer the most secure form of tenure compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community, and the efficient use of their housing stock.
- To ensure that social housing providers operating in Ashfield support the Council in meeting its statutory obligations and vision for the District.
- To ensure that homes let at Affordable Rent remain affordable for low income households, either in or out of work, whilst enabling the supply of new properties in Ashfield.
- To ensure social housing tenants are supported to achieve their housing aspirations and not penalised for a change in their circumstances.
- To ensure households seeking a home in Ashfield can access information on what it means to be offered a fixed term tenancy.

Regarding the first point, the Strategy proposes that the Council's position on tenancies is:

- Social housing providers operating in Ashfield should offer the most secure form of tenure possible
- The Council only supports the use of fixed term tenancies in limited circumstances and to operate with a presumption of renewal
- The Council prefers to see issues such as under-occupancy, overcrowding and unemployment addressed through investment in incentives and support to move, additional waiting list priority, support to enter employment and increasing the supply of affordable housing across all tenures.

- Households should not be pushed into unsustainable home ownership as they over-extend themselves to obtain secure housing or be disincentivised from improving their financial circumstances as this would result in their tenancy being ended.
- The Council does not wish to see an increase in homelessness as a result of fixed term tenancies coming to an end, or to create churn between two insecure rental tenures
- Each social housing provider must put in place a Tenancy Policy which must have due regard to this strategy

The Council's position under the Strategic Tenancy Strategy 2012-15 was that:

- The Council supports the use of introductory and probationary tenancies with fixed term tenancies granted where appropriate
- Fixed Term tenancies should only be used in exceptional cases and granted for 5 years where possible
- Fixed term tenancies should not be used for designated older person's accommodation or for tenants over the age of 60
- Fixed term tenancies should not be used for tenants with learning disabilities for mental health issues
- Where a fixed term tenancy is not renewed, the Council expects the Registered Provider to work with the tenant providing advice and assistance to explore alternative housing options where necessary
- The Council expects Registered Providers to assess the needs of households that include a disabled person to ensure best use of the limited supply of adapted housing
- Where fixed term tenancies are used, the Council expects Registered Providers to fully inform prospective tenants about the renewal of their tenancy before they sign up. Details of circumstances where a tenancy would / would not be renewed should be set out clearly in the Registered Providers Tenancy Policy.

Regarding the use of Affordable Rent, the following is proposed:

- Social rent is still the preferred tenure for existing and new social housing in Ashfield,
- The Council encourages providers to use their discretion to set Affordable Rents below 80% of the market rent to ensure developments are affordable
- The Council does not wish to see households facing financial difficulties because their income is insufficient for their housing costs and other essential expenditure.
- The Council also encourages registered providers to ensure that properties remain affordable for those subject to the benefit cap
- the Council seeks commitment from providers that a reasonable level of locally based reinvestment will result from charging Affordable Rent in the District
- The Council expects that providers will discuss their Affordable Rent conversion policy with us
- The Council does not wish to see an area experience a disproportionately high level of Affordable Rent conversions

The Council's position under the Strategic Tenancy Strategy 2012-15 was that:

- The Council encourages the retention and development of social rented homes wherever possible and expects all housing designated for older people to be retained / built for social rent

- The Council expects providers who convert their social rents to affordable, to be able to demonstrate their commitment to deliver more affordable housing elsewhere in the district
- The Council expects all homes delivered through s.106 agreements to be offered at social rent
- The Council expects providers to offer housing advice to prospective tenants to ensure that affordable rent are a viable option for the household, this could include signposting to the Council and other agencies to ensure vulnerable households are not disadvantaged

Tenancy Policy

The content of the Tenancy Policy remains the same as the previous version except that references to Ashfield Homes have been replaced with Ashfield District Council.

The Tenancy Policy sets out the Council's policy in relation to the following:

- The types of tenancies that Ashfield District Council will grant
- The arrangements for the creation of tenancies, the ending of tenancies and the assignment and succession of tenancies
- Ashfield District Council's approach to tenancy management, including interventions to sustain tenancies, preventing unnecessary evictions and tackling tenancy fraud

Implications

Corporate Plan:

The strategy and policy support the Council's housing vision to: "ensure the population of Ashfield are living in or can access homes that are affordable, warm and within a safe community that promotes the health and wellbeing of residents"

Legal:

The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy.

The Regulator for Social Housing's Tenancy Standard requires that registered providers of social housing publish a Tenancy Policy.

Approval of the Tenancy Strategy and Tenancy Policy fulfil the legal and regulatory requirements.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	Not applicable
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable

Housing Revenue Account – Capital Programme	Not applicable
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Risk:

Risk	Mitigation
There are no risks associated with approving this policy	

Human Resources:

There are no direct HR implications contained within this report.

Equalities:

(to be completed by the author)

The strategy and policy has a positive impact on a range of households with protected characteristics as it seeks to ensure they are provided with a home that is affordable, secure, meets their individual needs and is in a sustainable community.

Other Implications:

(if applicable)

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

(if applicable)

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